



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Howard J. Federoff *et al.* Art Unit : 1635
Serial No. : 09/997,848 Examiner : K. Lacourciere
Filed : November 29, 2001
Title : HELPER VIRUS-FREE HERPESVIRUS AMPLICON PARTICLES AND USES
THEREOF

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO ACTION OF FEBRUARY 25, 2004

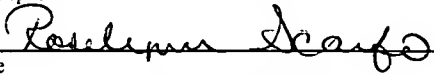
In the Office communication of February 25, 2004, the Examiner stated that "[t]o be fully responsive [*sic.*] to the prior Office action, Applicant must elect a single species, as required by the prior Office action." The restriction requirement and Applicants' prior response were discussed by telephone (the participants were the undersigned and Examiner Lacourciere) on May 11, 2004. In view of the Office communication and the telephone conference, Applicants wish to elect a single species -- the species designated "(7) type of protein (claim 18-35, 53-55): a) receptor, signaling molecule, transcription factor, growth factor, apoptosis inhibitor, apoptosis promoter, DNA replication factor, enzyme, structural protein, neural protein, histone, immunomodulatory protein, tumor-specific antigen, antigen of an infectious agent, cytokine, costimulatory molecule, interleukin, interferon, chemokine, B7, CD40L, prostate specific antigen, virus, HIV, gp120, bacterium [*sic.*] or parasite, prostate specific antigen, bacterium or parasite, or a specific combination of the above" (Office action mailed June 10, 2003, at pages 3-4). Should it be necessary to also elect a protein within the species "type of protein," Applicants

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

May 25, 2004

Date of Deposit


Signature

Roselynn Scarfo

Typed or Printed Name of Person Signing Certificate

Applicant : Howard J. Federoff *et al.*
Serial No. : 09/997,848
Filed : November 29, 2001
Page : 2 of 2

Attorney's Docket No.: 12610-011001


elect immunomodulatory protein. Elected claims 53-55 read on the elected species. The election is made without traverse.

Enclosed is a \$210.00 check in payment for the Petition for Extension of Time fee.
Please apply any other charges, or any credits, to deposit account 06-1050.

Respectfully submitted,

Date: _____

May 25, 2004



Lee Crews, Ph.D.
Reg. No. 43,567

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906